<u>**REMARKS/ARGUMENTS**</u>

These remarks are made in response to the Final Office Action of 14 April 2008 (Final Office Action). As this response is timely filed before the expiration of the 3-month shortened statutory period, no fees are believed to be due. However, the Examiner is authorized to charge any deficiencies or credit any overpayments to Deposit Account No. 50-3610.

Rejections under 35 USC § 112, second paragraph

In paragraph 1 of the Final Office Action, the Examiner has rejected Claims 7-13 for using the term "means" after "computer code" without any specification of a function.

Applicants have amended these claims to eliminate the use of means/for terminology.

Applicants have also taken the opportunity to correct some antecedent basis matters with the claims as originally filed.

Rejections under 35 USC § 101

In paragraph 2 of the Final Office Action, the Examiner rejected Claims 14-18 under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter.

Claims 14-18, as originally filed, recited method claim elements, but had a non-method preamble. Applicants have amended these claims to affirmatively claim the subject matter as a method.

Specification

Claims 7-13 were objected under MPEP § 608.01 lacking antecedent basis with the specification.

On page 6 of the instant specification, at lines 26-31, the specification clearly recites that the inventive elements may be embodied in a computer readable storage medium. These

claims have been amended to address the § 112 rejection, and Applicants believe the language used has clear support in the specification at least in the section cited on page 6.

Rejections under 35 USC § 103

Claims 1, 3, 7-9, 11, 12, 14, and 19-21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,158,778 to Sameer, *et al.* (hereinafter "Sameer") in view of U.S. Patent No. 6,381,636 to Cromer, et al. (hereinafter "Cromer").

Applicants have amended independent claims 1, 7, and 14 to more clearly indicate that which Applicants believe to be patentable. The invention allows the acquisition of asset information from a mobile client machine, which is presently powered down by periodically waking the wireless network adapter of the mobile client machine, and polling the access point specifically for the existence of such a request. The access point, having knowledge that the mobile client machine has gone offline, has stored any such requests, and upon receiving the poll, will transmit the request to the mobile client machine.

Sameer was cited for showing, in col. 2, lines 60-62, the polling claimed by Applicants. What Sameer states is:

> "In contrast to the standard specified by the IEEE 802.11, the device 11 is not required to wake up periodically to receive beacon signals from the AP 19."

and further states subsequently:

> "Rather, the device 11 only send a signal to the AP 19 before it goes off-line, and sends another signal to the AP 19 after the device becomes accessible again."

Thus, it is clear that what is going on in Sameer is that the device is going completely to sleep, and is not periodically polling the AP. In fact, in this section, it is clear that Sameer says that the device does not periodically wake up. This is quite the opposite of what

Applicants have claimed. Furthermore, even if this section of Sameer were interpreted to mean that the device "periodically" wakes up, simply because it states that the device goes off-line and then becomes available again, there is no polling involved. The reference to 802.11 concerns receiving beacon signals. Transmission of beacons is entirely an AP process – beacons are not transmitted in response to receiving signals from the wireless clients. Thus, not only does Sameer not show periodic waking of the client machine, it does not show polling by the client machine. What is occurring in Sameer, rather, is that the mobile system goes off-line, after informing the AP of such; while the mobile system is off-line, the AP stores messages destined for the off-line mobile system; when the mobile system comes back on-line, the AP transmits the messages. Sameer does not state that the mobile machine, upon coming back on-line, specifically requests the messages, rather the AP simply transmits any messages buffered for the mobile system.

Accordingly, Applicants believe the claims distinguish over Sameer as far as Sameer was cited for showing certain elements of Applicants' claimed invention.

Cromer was also cited for showing a network adapter responding to requests for asset information while the system in which the network adapter is located is off-line or otherwise powered-down. What Cromer shows, however, is a prior art system where the network adapter is constantly on, as clearly stated in col. 3, lines 34-37. The network adapter and associated memory are powered by an auxiliary power supply that allows them to function while the main portion of the machine is off. This is not the same as Applicants' claimed invention which sets the wireless network adapter to sleep and periodically wakes it to poll the AP. Furthermore, given that the problem sought to be solved by Applicants is to reduce power consumption by shutting off the network adapter (note that Applicants discussed prior art systems, such as Cromer, in the background section of the specification as failing to sufficiently conserve power in mobile systems), Cromer is actually teaching away from Applicants' invention. Accordingly, Applicants believe Cromer does not show the aspects of

Applicants' claimed invention as alleged in the Final Office Action, and that Applicants' claimed invention is distinguished over Cromer.

Furthermore, Applicants respectfully contend that the combination of Sameer with Cromer would not realize Applicants' claimed invention. Given that Cromer does not shut off the network adapter, in fact, there is no need to store messages at the AP as done in Sameer. Thus, one seeking to solve the problem of conserving battery power at a mobile system while still responding to asset information requests would not be motivated to combine Sameer and Cromer.

Claims 2, 13, 15, 16, 17, and 18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sameer, *et al.* in view of Cromer, *et al.* and in further view of "Wake On Lan – An Overview" (hereinafter WOL).

Claims 4, 5, 6, and 10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sameer, *et al.* in view of Cromer, *et al.*, and in further view of U.S. Patent No. 6,067,297 to Beach, *et al.* (hereinafter "Beach").

Applicants regard these claims as being dependent on allowable claims, and are thus likewise allowable.

Conclusion

Applicants believe that the invention as claimed should be in allowable condition over the cited references. Applicants have made claim amendments which are supported by the specification. No new matter has been added and, as such, Applicants believe that the present invention is in full condition for allowance, which action is respectfully requested.

The Applicants request that the Examiner call the undersigned (**561-210-5131**) if clarification is needed on any matter within this Reply, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

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